

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Casey Alan Johns,

Petitioner

v.

Perry Russell, *et al.*,

Respondents

Case No. 2:23-cv-00870-CDS-VCF

Commencement Order

*Pro se* petitioner Casey Alan Johns filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1-1 (“Petition”). Johns also filed a motion for leave to proceed *in forma pauperis* (“IFP”) and motion for counsel. ECF Nos. 1, 1-2. I grant Johns’ IFP application. However, before screening and consideration of his motion for counsel, I direct him to file an amended petition because his petition is incomplete,<sup>1</sup> confusing,<sup>2</sup> and entirely illegible in spots.<sup>3</sup> Without a complete, legible form, I am unable to conduct a preliminary review of the petition. Accordingly, Johns must, within 45 days of the date of this order, file an amended petition for habeas corpus relief on the court’s form.<sup>4</sup> In doing so, Johns is advised to follow the instructions on the form, to clearly title the amended petition as such, and to place the case number, 2:23-cv-00870-CDS-VCF, in the designated space.

I therefore order that the motion for leave to proceed IFP [ECF No. 1] is granted.

<sup>1</sup> For example, Johns does not provide the date of his judgment of conviction or the date his state habeas petition was filed, and I am unable to locate this information because the Tenth Judicial District Court for Churchill County does not have online docket records.

<sup>2</sup> For example, Johns indicates that he did not appeal his conviction. However, the docket records for the Nevada appellate courts show that an appeal was decided by the Nevada Court of Appeals on August 8, 2022, in case number 83064-COA. Johns also indicates that he appealed the denial of his state habeas petition, but the only appeal of a denial of a state habeas petition that I was able to locate regards Johns’ separate conviction for attempted burglary.

<sup>3</sup> It appears that the Petition is a copy of a petition that was filed in a different case: 2:23-cv-00094-CDS-VCF. That petition was dismissed without prejudice. The copying of the Petition has distorted Johns’ writing.


<sup>4</sup> Johns at all times remains responsible for calculating the applicable statute of limitations. By ordering Johns to amend his petition, I make no finding or representation that either the original or amended petition will be considered timely.

1 I further order that the initial screening of petitioner Casey Alan Johns' petition for writ  
2 of habeas corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and  
3 consideration of his motion for counsel are deferred until such time as he has fully complied  
4 with this order.

5 I further order that within 45 days of the date of this order, Johns must file an amended  
6 petition on the court's form. He must place the case number, 2:23-cv-00870-CDS-VCF, in the  
7 designated space. Johns' failure to timely comply with this order will result in the dismissal of  
8 the petition without prejudice and without further advance notice.

9 It is further ordered that the Clerk of the Court send Johns a blank form petition for a  
10 writ of habeas corpus pursuant to § 2254 with instructions and a copy of his petition (ECF No.  
11 1-1).

12 DATED: June 6, 2023

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15 UNITED STATES DISTRICT JUDGE  
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